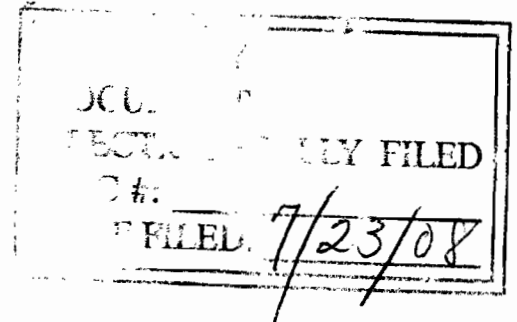


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----x

Smith Pericathie :

Plaintiff, :

- against - :

Julien, Rheume, Grant :

Defendant(s). :

-----x

SCHEDULING ORDER

08 Civ. 0893 (SAS)
Conference Date: 7/22/08
at 4:30 p.m.

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on July 22, 2008 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

- (1) the date of the conference and the appearances for the parties;
July 22, 2008 - New York Attorney General
for defendants
- (2) a concise statement of the issues as they then appear;
Alleged use of excess force and failure to intervene
- (3) a schedule including:
 - (a) the names of persons to be deposed and a schedule of planned depositions;
Smith Pericathie
Others to be decided.
 - (b) a schedule for the production of documents;
By September 22, 2008
 - (c) dates by which (i) each expert's reports will be supplied to the adverse side and
(ii) each expert's deposition will be completed; (i) October 12 and (ii) October 22, 2008
 - (d) time when discovery is to be completed; October 22, 2008

(e) the date by which plaintiff will supply its pre-trial order matters to defendant;

November 22, 2008

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

December 20, 2008

(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

Nov. 5th 4³⁰

(leave blank)

(4) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

To be decided

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

(6) anticipated fields of expert testimony, if any; To be decided

(7) anticipated length of trial and whether to court or jury; 2-3 days

(8) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;

(9) names, addresses, phone numbers and signatures of counsel;

Job Harmon
New York Attorney General
120 Broadway
NY, NY 10271 (212) 416-6105

SO ORDERED:

SHIRA A. SCHEINDLIN
U.S.D.J.

7/22/08